

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MAY 27, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on May 27, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilman Pernice and Council President Mione. (Absent: Councilwoman Morelli)

Also present were: Mayor Kleinberg (left 9:40pm), Andrew Bayer, Esq., Acting Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Public Information Report - Public Information Director Susan Levine spoke on the following: Marlboro Township's odd-even day lawn watering ordinance, Police Department participation in a Statewide "Click it or Ticket" from May 24th-June 6th, the Golden Nuggets summer issue mailed recently, Marlboro Fire Company's 100th Anniversary celebration Sat., June 19th from 12-5pm and announced that the Municipal Offices will be closed on Monday, May 31st in observance of Memorial Day.

Council Vice President Denkensohn moved that the minutes of April 7th and April 29th, 2004 be approved. This motion was seconded by Council President Mione and the minutes were passed on a roll call vote of 3 - 1 with Council Vice President Denkensohn abstaining (Absent: Morelli).

Council Vice President Denkensohn moved that the minutes of April 15, 2004 be approved. This motion was seconded by Council President Mione and the minutes were passed on a roll call vote of 4 - 0 (Absent: Morelli).

Council President Mione opened the Public Hearing on the 2004 Municipal Budget. As there was no one who wished to speak, the public hearing was closed.

The following Resolution # 2004-160 (2004 Municipal Budget) was offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 3 - 1 in favor with Councilman Burrows voting no (Absent: Morelli).

RESOLUTION # 2004-160

SECTION 2 - UPON ADOPTION FOR YEAR 2004

BE IT RESOLVED by the Governing Body of the Township of Marlboro, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$12,888,519.17 for municipal purposes and \$588,625.00 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.*

* Copies of attached material to be found in regular minute book in Clerk's office.

Council President Mione opened the Public Hearing on Ordinance # 2004-7 (Amendment to Animal Control Ordinance). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-161/Ord. #2004-7 (Amendment to Animal Control Ordinance) was introduced by reference, offered by Councilman Burrows,

seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 (Absent: Morelli).

RESOLUTION # 2004-161

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-7

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 "DOGS AND OTHER ANIMALS," ARTICLE I "CONTROL OF DOGS AND CATS," SECTION 59-6 "IMPOUNDING OF DOGS AND ANIMALS"

which was introduced on April 29, 2004, public hearing held May 27, 2004, be adopted on second and final reading this 27th day of May, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Mione opened the Public Hearing on Ordinance # 2004-8 (Traffic Regulations - Commercial Court). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-162/Ord. #2004-8 (Traffic Regulations - Commercial Court) was introduced by reference, offered by Council President Mione, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 (Absent: Morelli).

RESOLUTION # 2004-162

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-8

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO COMMERCIAL COURT WITHIN THE TOWNSHIP OF MARLBORO AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

which was introduced on April 29, 2004, public hearing held May 27, 2004, be adopted on second and final reading this 27th day of May, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Mione opened the Public Hearing on Ordinance # 2004-9 (Requiring Applicants for Membership in Volunteer Fire Companies to Disclose Background Information). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-163/Ord. #2004-9 (Requiring Applicants for Membership in Volunteer Fire Companies to Disclose Background Information) was introduced by reference, offered by Council President Mione, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 (Absent: Morelli).

RESOLUTION # 2004-163

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-9

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 66 "FIRE PREVENTION," ARTICLE III "FIRE DEPARTMENT" TO REQUIRE THE DISCLOSURE OF INFORMATION REGARDING APPLICANTS FOR MEMBERSHIP IN A VOLUNTEER FIRE COMPANY WITHIN THE TOWNSHIP OF MARLBORO

which was introduced on April 29, 2004, public hearing held May 27, 2004, be adopted on second and final reading this 27th day of May, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2004-164/Ord. # 2004-10 (Creating Agricultural Advisory Committee) was introduced by reference, offered by Councilman Pernice and seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli). After discussion, Council inserted language in the ordinance requiring that the Agricultural

Committee work in conjunction with the Township's Open Space Committee. Roll call was then taken on Res. #2004-164/ Ord. #2004-10 which passed on a 4 - 0 vote in favor (Absent: Morelli).

RESOLUTION # 2004-164

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 98 "OPEN SPACE, FARMLAND AND HISTORIC SITES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE A NEW ARTICLE ENTITLED ARTICLE III "AGRICULTURE ADVISORY COMMITTEE"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 98 "OPEN SPACE, FARMLAND AND HISTORIC SITES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCLUDE A NEW ARTICLE ENTITLED ARTICLE III "AGRICULTURE ADVISORY COMMITTEE"

WHEREAS, the Township of Marlboro believes that preservation of the Township's farmland is of the utmost importance; and

WHEREAS, the Legislature of the State of New Jersey established the Farmland Preservation Planning Incentive Grant Program pursuant to N.J.S.A. 4:1C-43.1, whereby eligible municipalities may obtain grants to be used to fund, among other things, up to 80% of the cost of acquisition of development easements on farmland located in their municipal boundaries; and

WHEREAS, pursuant to N.J.S.A. 4:1C-43.1, the Legislature set forth certain requirements that must be satisfied by a municipality in order for a municipality to

become eligible to receive grants under the Farmland Preservation Planning Incentive Grant Program, including, but not limited to, requiring the municipality to establish an agricultural advisory committee; and

WHEREAS, the Township of Marlboro desires to take all steps necessary to become eligible to receive grants under the Farmland Preservation Planning Incentive Grant Program; and

WHEREAS, the Township of Marlboro desires to create the Agriculture Advisory Committee under Chapter 98 "Open Space, Farmland and Historic Sites" of the Code of the Township of Marlboro (the "Code"); and

WHEREAS, the Township of Marlboro recommends that the Agriculture Advisory Committee work in conjunction with the Township's Open Space Committee to ensure that their mutual objectives are accomplished.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 98 "Open Space, Farmland and Historic Sites" of the Code be amended and supplemented as follows to include a new article entitled Article III "Agriculture Advisory Committee":

ARTICLE III, AGRICULTURE ADVISORY COMMITTEE

§ 98-12 Agriculture Advisory Committee.

There is hereby established an Agriculture Advisory Committee which shall consist of three members whose terms and powers are hereinafter set forth.

§ 98-13 Membership and Qualifications.

The Agriculture Advisory Committee shall be comprised of the following persons:

A. Three citizens who are residents of the township, to be appointed by the Mayor with the consent of the Township Council.

B. Two of the three citizen members must be actively engaged in farming and own a portion of the land that they farm.

C. One of the three citizen members may be selected from any other township board or committee.

D. The Mayor shall select the Chairman of the Agriculture Advisory Committee. The Committee shall select from among its members a Vice-Chairman to serve as the presiding officer in the absence of the Chairman. The Committee shall also select a Secretary whose function shall be to maintain minutes of the Committee's meeting and records of the proceedings of the Committee.

§ 98-14 Term.

The terms of the citizen members shall be for two (2) years, except that the initial appointments to the Committee shall be as follows:

- A. Two citizen members for a one-year term.
- B. One citizen member for a two-year term.

§ 98-15 Powers and Duties.

A. The Agriculture Advisory Committee shall report to the Township of Marlboro Planning Board.

B. The Agriculture Advisory Committee shall be responsible for advising and assisting the Township of Marlboro Planning Board and the Township of Marlboro in meeting the eligibility requirements of the Farmland Preservation Planning Incentive Grant Program, N.J.S.A. 4:1C-43.1, including, but not limited to:

- (1) Identifying project areas of multiple farms that are reasonably contiguous and located in an agriculture development area authorized pursuant to the Agriculture Retention

and Development Act, N.J.S.A. 4:1C-11,
et seq.

(2) Assuring that a dedicated source of funding is maintained for farmland preservation as provided for by Article II of this Chapter.

(3) Preparing a farmland preservation plan element pursuant to N.J.S.A. 40:55D-28.

(4) Preparing and overseeing the submission of a completed application to the State Agriculture Development Committee including, among other things, a multi-year plan for the purchase of multiple farms in a project area and indicating the Township of Marlboro's annual share of the estimated purchase price.

(5) Satisfying any other requirements to become and remain an eligible municipality under the Farmland Preservation Planning Incentive Grant Program.

C. The Agriculture Advisory Committee shall oversee, in consultation with the Township of Marlboro Planning Board and the Township of Marlboro, the purchase of any development easement pursuant to the Farmland Preservation Planning Incentive Grant Program.

D. The Agriculture Advisory Committee shall be charged with the duty of seeking out other state and federal funding for farmland preservation and making recommendations to the Township of Marlboro Planning Board, Mayor and Township Council with regards to achieving compliance with program guidelines for obtaining funding from such programs.

§ 98-16 Public Meetings.

The Agriculture Advisory Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

§ 98-7 Initial Organizational Meeting.

The Agriculture Advisory Committee shall hold its initial organizational meeting within sixty (60) days of the effective date of this Article III.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2004-165/Ord. # 2004-11 (Creating Dept. of Public Works) was introduced by reference, offered by Council President Mione, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-165

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REMOVE THE DIVISION OF PUBLIC WORKS FROM THE DEPARTMENT OF COMMUNITY

DEVELOPMENT AND ESTABLISH A NEW DEPARTMENT OF
PUBLIC WORKS.

be introduced and passed on first reading and that the same
be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for
final passage on June 24, 2004 at 8:00 p.m. at the Marlboro
Municipal Complex, 1979 Township Drive, Marlboro, New
Jersey, at which time all persons interested will be given
an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4
"ADMINISTRATION OF GOVERNMENT" OF THE CODE OF THE
TOWNSHIP OF MARLBORO TO REMOVE THE DIVISION OF
PUBLIC WORKS FROM THE DEPARTMENT OF COMMUNITY
DEVELOPMENT AND ESTABLISH A NEW DEPARTMENT OF
PUBLIC WORKS.

WHEREAS, currently the Department of Community
Development includes the Division of Engineering, Division
of Planning, Division of Zoning/Code Enforcement, Division
of Uniform Construction Code and Division of Public Works;
and

WHEREAS, the Division of Public Works is charged with
the responsibility of maintaining and repairing Township
roads, buildings, grounds, parks and vehicles; and

WHEREAS, Administration and the Superintendent of
Public Works recommend that the Division of Public Works
would operate more efficiently and effectively as a stand-
alone department and that the removal of the Division of
Public Works from the Department of Community Development
would allow the Director of Community Development to
concentrate on the needs of the other Divisions within that
Department; and

WHEREAS, the Mayor and the Township Council believe it
is in the best interest of the residents of the Township of
Marlboro to amend Chapter 4 of the Code of the Township of
Marlboro to remove the Division of Public Works from the
Department of Community Development and establish a new
Department of Public Works.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 4 "Administration of Government", Article VI "Organization of Township Government", Section 4-34 "Departments, offices agencies and commissions" is amended and supplemented as follows:

§ 4-34 Departments, offices, agencies and commissions.

A. [Unchanged].

B. Departments.

- (1) Department of Administration.
- (2) Department of Finance.
- (3) Department of Law.
- (4) Department of Recreation and Open Space.
- (5) Department of Community Development.
- (6) Department of Public Information.
- (7) Department of Public Safety.
- (8) Department of Economic Development.
- (9) Department of Community Relations.
- (10) Department of Public Works.

C-G. [Unchanged].

BE IT FURTHER ORDAINED, that Chapter 4 "Administration of Government", Article XII "Department of Community Development", Section 4-85 "Department established; organization" is hereby amended as follows:

§ 4-85 Department established; organization.

A. There shall be a Department of Community Development, the head of which shall be the Director of Community Development. The Department of Community Development shall consist of the following divisions:

- (1) Division of Engineering.
- (2) Division of Planning.
- (3) Division of Zoning/Code Enforcement.
- (4) Division of Uniform Construction Code.

B. [Unchanged].

BE IT FURTHER ORDAINED, that Chapter 4 "Administration of Government", Article XII "Department of Community Development", Section 4-90 "Division of Public Works" is deleted in its entirety and said section of the Code is hereby reserved; and

BE IT FURTHER ORDAINED, that Chapter 4 "Administration of Government" is hereby amended and supplemented to include a new article entitled Article XIX "Department of Public Works" and shall read as follows:

§ 4-136 Department established; organization.

A. There shall be a Department of Public Works, the head of which shall be the Director of Public Works. The Department of Public Works shall consist of the following divisions:

- (1) Division of Streets, Roads and Traffic Maintenance;
- (2) Division of Public Buildings and Grounds; and
- (3) Division of Automotive Services.

B. The Mayor, Business Administrator or other appropriate official may appoint staff to any position within the various divisions as necessary and as provided by law. Under the direction of the Mayor, Business Administrator or other appropriate official, the same individual may hold multiple titles if qualified under the

law to hold said titles. In addition, the Mayor, Business Administrator or other appropriate official shall have authority to appoint a designee to act in place of another official or supervisor, in case a vacancy should occur, provided that said designee is qualified under the law to hold said title(s).

§ 4-137 Division of Streets, Roads and Traffic Maintenance.

There shall be within the Department of Public Works a Division of Streets, Roads and Traffic Maintenance, the head of which shall be Superintendent of Streets, Roads and Traffic Maintenance. Under the direction and supervision of the Superintendent, the Division shall:

A. Maintain and repair the streets, roads, culverts and drainage systems of the township and construct and reconstruct such streets, roads, culverts and drainage systems as may be authorized.

B. Maintain and repair the traffic and safety signs, signals and other markings of the township as may be authorized.

C. Provide for the cleaning of streets and the removal of leaves as required.

D. Maintain, repair and clean the township's storm sewers, lines and mains.

E. Perform such other related services as required and authorized by the Director.

§ 4-138 Division of Public Grounds and Buildings.

There shall be within the Department of Public Works a Division of Public Grounds and Buildings, the head of which shall be the Superintendent of Public Grounds and Buildings. Under the supervision and direction of the Superintendent, the Division shall:

A. Provide, maintain and repair township buildings.

B. Provide, maintain and repair township grounds, including playgrounds, playing fields and public parks.

C. Prepare plans and specifications related to township buildings and grounds as required.

D. Supervise work performed pursuant to public contract on township buildings and grounds.

E. Oversee the township Recycling Program.

F. Perform such other related services as required and authorized by the Director.

§ 4-139 Division of Automotive Services.

There shall be within the Department of Public Works a Division of Automotive Services, the head of which shall be the Superintendent of Automotive Services. Under the supervision and direction of the Superintendent, the Division shall:

A. Maintain and repair township trucks and motor vehicles.

B. Perform such other related services as required and authorized by the Director.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2004-166 (Appointing Jeffrey Rosen - Zoning Board Member - to fill unexpired term of Gerald Newman expiring 12/31/05) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-166

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBER

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body;

WHEREAS, Gerald Newman resigned from the Zoning Board of Adjustment thereby resulting in a vacancy on that Board; and

WHEREAS, the Township Council wishes to appoint Jeffrey Rosen to serve as a regular member of the Zoning Board of Adjustment, for the unexpired term of Gerald Newman expiring 12/31/05.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints Jeffrey Rosen to serve as a member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the terms indicated above, commencing May 27, 2004.

The following Resolution # 2004-167 (Council Ad Hoc Committee - Veterans & Volunteers Committee) was introduced by reference, offered by Council President Mione, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-167

A RESOLUTION CREATING A "VETERANS AND VOLUNTEERS COMMITTEE"
OF THE TOWNSHIP COUNCIL

WHEREAS, Section 4-12 of the Code of the Township of Marlboro authorizes the Township Council to create special committees; and

WHEREAS, the Township's Veterans and current United States military personnel have risked their lives to serve and defend this country and the Township Council desires to honor those individuals for their patriotism and dedicated service; and

WHEREAS, in addition to honoring the Township's Veterans and current United States military personnel, the Township Council desires to aid and assist said individuals and their families in obtaining from local, state and federal agencies and organizations, including the United States Department of Veteran's Affairs, all benefits to which they are entitled to for their dedicated service; and

WHEREAS, the Township Council also desires to honor, aid and assist the Township's volunteer fire fighters who risk their lives daily in an effort to protect the residents of the Township in times of distress; and

WHEREAS, the Township Council also desires to honor, aid and assist volunteer emergency medical technicians who dedicate themselves to assisting residents in need and making the Township safer; and

WHEREAS, the Township Council having considered the same, now wishes to create a Veterans and Volunteers Committee of the Township Council to accomplish these purposes.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. The Veterans and Volunteers Committee of the Township Council is hereby established.
2. Said Committee shall consist of ten (10) members appointed by the Township Council. Three (3) members of the Committee shall be Veterans or current members of the United States Military. There shall be four (4) fire fighter members, including a representative from Marlboro Fire Company, Robertsville Volunteer Fire Company, Morganville Volunteer Fire Company and Morganville Independent Fire Company. There shall be two (2) emergency

medical technician members, including a representative from Morganville First Aid - EMS and Marlboro First Aid - EMS. There shall be one (1) at-large member. Each member of the Committee shall be appointed for a one (1) year term.

3. The Veterans and Volunteers Committee shall be responsible for honoring, by whatever means deemed appropriate by said Committee, the Township's Veterans, United States Military personnel, volunteer fire fighters and volunteer emergency medical technicians for their dedicated service to the Township and the United States and to aid and assist those individuals and their families in obtaining any benefits they may be entitled to from any local, state or federal agency or organization.

4. The Township Council hereby appoints to the Veterans and Volunteers Committee the following individuals: James R. Johnson (Veteran and United States Military representative); Mark Maurer (Volunteer Fire Fighter Representative) and John Butterwick (Volunteer Emergency Medical Technician Representative). The remaining members shall be appointed by the Township Council at a subsequent date.

5. The Veterans and Volunteers Committee shall report periodically to the Township Council regarding its activities.

The following Resolution # 2004-168 (Raffle License - St. Gabriel's Church) was introduced by reference, offered by Council President Mione, seconded by Councilman Burrows and passed on a roll call vote of 3 - 0 in favor (Absent: Morelli and Denkensohn).

RESOLUTION # 2004-168

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL:09-04 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 11, 2004 at 4:00PM - 6:00PM at Bella Vista Country Club, 100 School Road East, Marlboro, New Jersey 07746.

The following Resolution # 2004-169 (Recreation Fees - Aquatic Center) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 3 - 0 in favor (Absent: Morelli and Denkensohn).

RESOLUTION # 2004-169

A RESOLUTION AUTHORIZING DATES AND TIMES THE MARLBORO AQUATIC CENTER IS OPEN TO THE PUBLIC AND SETTING THE FEES TO BE CHARGED WHEN THE MARLBORO AQUATIC CENTER IS OPEN TO THE PUBLIC

WHEREAS, Section 117-2 of the Code of the Township of Marlboro requires the Township Council to approve the fees for recreational programs established by the Township of Marlboro Recreation and Parks Commission by resolution each year; and

WHEREAS, the Township of Marlboro Recreation and Parks Commission is recommending that the Marlboro Aquatic Center is open to the public on a trial basis on the following dates and times: (i) June 19, 2004 from noon to 2 p.m. at no charge; (ii) July 10-11, 2004 from noon to 4:30 p.m. for a fee; (iii) July 24-25, 2004 from noon to 4:30 p.m. for a fee; and (iv) August 7-8, 2004 from noon to 4:30 p.m. for a fee; and

WHEREAS, the Township of Marlboro Recreation and Parks Commission is recommending that it charge the following fees for those Marlboro residents wishing to use the Marlboro Aquatic Center on the aforementioned dates and times that it is open to the public for a fee: (i) children under 5 free with adult supervision; (ii) children ages 5-17 with adult supervision - \$4.00 each; (iii) adults - \$5.00 each; and (iv) senior citizens - \$2.00 each.

WHEREAS, the Township Council now desires to take the following action regarding the recommendation that the Marlboro Aquatic Center is opened to the public certain weekends in June 2004, July 2004 and August 2004 and the recommendation regarding the fees for those Marlboro residents who wish to use the Marlboro Aquatic Center on those dates and times that it is open to the public for a fee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

1. The Marlboro Aquatic Center shall be open to the public on a trial basis on the following dates and times: (i) June 19, 2004 from noon to 2 p.m. at no charge; (ii) July 10-11, 2004 from noon to 4:30 p.m. for a fee; (iii) July 24-25, 2004 from noon to 4:30 p.m. for a fee; and (iv) August 7-8, 2004 from noon to 4:30 p.m. for a fee; and

2. The Marlboro Aquatic Center shall charge the following fees for those Marlboro residents wishing to use the Marlboro Aquatic Center on those dates and times that it is open to the public for a fee: i) children under 5 free with adult supervision; (ii) children ages 5-17 with adult supervision - \$4.00 each; (iii) adults - \$5.00 each; and (iv) senior citizens - \$2.00 each.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Marlboro Township Recreation and Parks Commission
- b. Chief Financial Officer
- c. Office of Public Information
- d. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-170 (Bond Release Bell Medical Services) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-170

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE BELL MEDICAL SERVICES SITE PLAN

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request by Bell Medical Services and Two Green, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the Bell Medical Services site plan; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report

from the Acting Township Engineer dated May 5, 2004 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township and a waiver of the requirement that a maintenance bond be posted, conditioned upon the payment of all fees required by the Developer's Agreement.

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Bell Medical Services site plan shall each be released in their entirety and no maintenance bond shall be required; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Bell Medical Services, Inc.
- b. Sovereign Bank
- c. Acting Township Engineer
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-171 (Authorizing Sale of Personal Property) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-171

A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY NOT
NEEDED FOR PUBLIC USE

WHEREAS, the Township of Marlboro wishes to dispose of certain items of personal property which are in the Township's possession and not otherwise needed for public use; and

WHEREAS, the Business Administrator and Superintendent of Public Works have estimated that the fair market value of the said items exceeds \$2,625.00; and

WHEREAS, N.J.S.A. 40A:11-36 requires that personal property of a municipality, not otherwise needed for public use, must be sold at public sale to the highest bidder(s), if the estimated fair market value of the property exceeds \$2,625.00 in any one sale; and

WHEREAS, notice of the date, time and place of the public sale of the aforementioned personal property of the Township of Marlboro is to be advertised in the Asbury Park Press pursuant to N.J.S.A. 40A:11-36.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. The Township is authorized to hold a public sale as advertised to dispose of the items on the attached list, which are not otherwise needed for public use, to the highest bidder(s).
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Judith Tiernan, Acting Business Administrator
 - b. Robert Holmes, Chief of Police
 - c. Township Engineer
 - d. Superintendent of Public Works
 - e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-172 (Award of State Contract - Message Board Sign Trailer) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-172

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO CERTIFIED SPEEDOMETER SERVICE FOR THE
PURCHASE OF A TRAFFIC MESSAGE BOARD

WHEREAS, the Township of Marlboro Division of Police contacted certain companies to request estimates for the purchase of a Traffic Message Board to be utilized for, among other things, notification of detours, Township events and emergency closings and as a speed monitoring warning device; and

WHEREAS, one company provided the following estimate to the Township:

1. Certified Speedometer Service of Old Tappan, New Jersey in the amount of \$16,000.00; and

WHEREAS, the Division of Police have been renting a Traffic Message Board from Certified Speedometer Service since April of 2004;

WHEREAS, Certified Speedometer Service has agreed to deduct from the total purchase price any rental fees paid by the Township; and

WHEREAS, the lowest estimate for the purchase of a Traffic Message Board is less than \$17,500.00, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Division of Police have reviewed the estimate received and recommend that a contract be awarded to Certified Speedometer Service for the purchase of a Traffic Message Board in an amount not to exceed \$16,000.00; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to Certified Speedometer Service.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract to purchase a Traffic Message Board be and hereby is awarded to Certified Speedometer Service and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the

Township of Marlboro and Certified Speedometer Service for the purchase of a Traffic Message Board in an amount not to exceed \$16,000.00 in accordance with the estimate submitted by Certified Speedometer Service; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Certified Speedometer Service
- b. Chief of Police, Robert C. Holmes
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-173 (Award of Bid - Public Works Rental Equipment) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-173

A RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT TO J.W.T. EXCAVATING CO., INC. TO
PROVIDE RENTAL EQUIPMENT TO THE PUBLIC
WORKS DIVISION IN CONNECTION WITH THE
TOWNSHIP OF MARLBORO'S ROAD PROGRAM

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide certain rental equipment to the Public Works Division in connection with the Township of Marlboro's Road Program; and

WHEREAS, the two (2) bids received were as follows:

- 1. J.W.T. Excavating Co., Inc. of Holmdel, New Jersey for the following equipment: (i) Milling Machine - \$4,400.00 per day; (ii) Paver - \$3,000.00 per day; (iii) Tandem Dump Truck - \$750.00 per day; and (iv) Mobilization - \$1,000.00 per day; and

2. Lucas Brothers, Inc., of Marlboro, New Jersey for the following equipment: (i) Milling Machine - \$4,800.00 per day; (ii) Paver - \$3,200.00 per day; (iii) Tandem Dump Truck - \$800.00 per day; and (iv) Mobilization - \$1,750.00 per day; and

WHEREAS, the Administration and the Public Works Division have reviewed the bids received and recommend that the contract be awarded to J.W.T. Excavating Co., Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, J.W.T. Excavating Co., Inc., to provide the aforementioned rental equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide certain rental equipment to the Public Works Division in connection with the Township of Marlboro's Road Program be and hereby is awarded to J.W.T. Excavating Co., Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and J.W.T. Excavating Co., Inc. to provide such rental equipment in accordance with the bid proposal submitted by J.W.T. Excavating Co., Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. J.W.T. Excavating Co., Inc.
- b. Superintendent of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-174 (Reject and Rebid - Police Uniforms) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-174

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Police Uniforms

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and he is hereby authorized and directed to advertise for open, competitive bids for

Police Uniforms

as required by law.

The following Resolution # 2004-175 (Award of State Contract - MDT'S & Server) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-175

A RESOLUTION AUTHORIZING THE PURCHASE OF
THREE PANASONIC MOBILE DATA TERMINALS AND THEIR RESPECTIVE
LICENSING UNDER STATE CONTRACT #A88804

WHEREAS, the Township of Marlboro Division of Police has recommended that the Township purchase three (3) Panasonic Mobile Data Terminals and their respective licensing from Quality Communications of Lakewood, New Jersey under State Contract #A88804 for the amount of \$24,822.95; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase

goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide new equipment to the Division of Police; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase three (3) Panasonic Mobile Data Terminals and their respective licensing from Quality Communications of Lakewood, New Jersey under State Contract #A88804 for the amount of \$24,822.95; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Quality Communications
- b. Acting Business Administrator
- c. Chief of Police, Robert C. Holmes, Sr.
- d. Township Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-176 (Award of Contract Schoor DePalma - Tax Map Maintenance) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-176

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN SCHOOR DEPALMA AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PROFESSIONAL LAND SURVEYING SERVICES TO UPDATE THE TOWNSHIP TAX MAPS FOR CALENDAR YEAR 2004

WHEREAS, the Township of Marlboro is in need of professional land surveying services for purposes of updating the Township Tax Maps for calendar year 2004; and

WHEREAS, Schoor DePalma has submitted a proposal dated May 24, 2004 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an hourly base rate of \$115.00 per hour for Project Professionals and \$140.00 per hour for the Project Manager; and

WHEREAS, the Proposal suggests that the Township anticipate a budget amount of \$30,000.00 for the provision of such services; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Schoor DePalma to provide professional land surveying services for purposes of updating the Township Tax Maps for calendar year 2004 as outlined in the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Schoor DePalma and the Township of Marlboro for the provision of professional land surveying services for purposes of updating the Township Tax Maps for calendar year 2004 for an amount not to exceed \$30,000.00 and in accordance with the terms, specifications and conditions of the Proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability

of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Schoor DePalma
- b. Acting Township Engineer
- c. Acting Business Administrator
- d. Township Chief Financial Officer
- e. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-177 (Tonnage Grant) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-177

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts

undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The following Resolution # 2004-183 (Authorizing Regional Contribution Agreement - City of Trenton) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2004-183

A RESOLUTION AUTHORIZING THE EXECUTION OF A REGIONAL CONTRIBUTION AGREEMENT (RCA) BETWEEN THE TOWNSHIP OF MARLBORO AND THE CITY OF TRENTON

WHEREAS, the Township of Marlboro, Monmouth County has a fair share obligation to provide housing opportunities to low and moderate income households as established by the New Jersey Supreme Court and by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (the "Act"); and

WHEREAS, the Act provides that municipalities within the same housing region, as defined by the Council on Affordable Housing ("COAH"), may meet up to 50 percent of that obligation through a regional contribution agreement ("RCA"), under which the sending municipality makes a cash payment to another municipality, known as the receiving municipality, which undertakes to provide low and moderate

income housing, which is then credited toward the sending municipality's fair share obligation; and

WHEREAS, the Township of Marlboro proposes to transfer 332 units of its fair share obligation at a cost of \$20,000.00 per unit or a total amount of \$6,640,000.00 under an RCA with the City of Trenton, Mercer County; and

WHEREAS, the Township of Marlboro and the City of Trenton are in the same housing region as defined by COAH; and

WHEREAS, the City of Trenton desires to provide affordable housing for its low and moderate income residents, which action will be furthered by funds made available through the RCA; and

WHEREAS, the RCA is in the best interest of the City of Trenton and the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey that the Mayor is hereby authorized to execute an RCA with the City of Trenton, in a form substantially similar to that attached and made a part hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. COAH coordinator
- b. Township Administrator
- c. Gluck, Walrath and Lanciano, LLP.

The following Resolutions were introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli): Res. # 2004-178 (Redemption Tax Sale Certs. - Various), Res. # 2004-179 (Refunds to WMUA - Various), Res. # 2004-180 (Refund to WMUA - B. 176, Lot 7 C0969) and Res. # 2004-181 (Widow of Veteran Exemption - B. 388, L. 14).

RESOLUTION # 2004-178

WHEREAS, the rightful owners of several

properties have redeemed tax sale certificates totaling \$70,623.49 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$70,623.49 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
04-26	178/290 C0194	Betty Simon, Trustee, LLC	\$ 412.82
194	Nathan Drive	P.O. Box 238 Northfield, NJ 08225	
03-27	305/61	Richard Simon, Trustee, LLC	25,480.92
44	Vista Drive	P.O. Box 238 Northfield, NJ 08225	
02-3	111/2	Crusader Servicing Corp.	44,729.75
356	Texas Road	179 Washington Lane Jenkintown, PA 19046	
TOTAL:			<u>\$70,623.49</u>

RESOLUTION # 2004-179

WHEREAS, tax sale certificates sold at the 2004 Tax Lien Sale included delinquent sewer charges in the amount of \$3,619.71 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$3,619.71 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>	<u>CERT.#</u>
104	8	NJ Affordable Homes Corp.	\$ 185.84	04-1

109	6	Arlene C. Thomas	249.52	04-3
270	121	Donna S. Fox	366.21	04-11
346	1	Linda Warren Simon	346.66	04-13
412.04	12	Dianna Bolton	188.55	04-21
150	1	N.J. Home Funding Group, LLC	128.75	04-22
176	7 C0526	Morgan Fowler	313.70	04-23
176	7 C0701	Roxanne J. Zag	321.66	04-24
176	7 C0969	Laura Soltesz	376.68	04-25
178	290 C0194	Elvira Zaltsberg	362.93	04-26
246	4	Stephen E & Susan M. Powers	375.05	04-27
412.05	23	William Coyle III & Wm. Jr.	404.16	04-28
TOTAL:			\$3,619.71	

RESOLUTION # 2004-180

WHEREAS, current sewer charges in the amount of \$164.57 for Block 176 Lot 7 C0969, located at 969 Lily Court, assessed to Laura Soltesz, have been paid by James Pilewski, lienholder of the Tax Sale Certificate #04-25 on the above-referenced property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$164.57 be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2004-181

WHEREAS, the Tax Assessor has granted a widow of a disabled veteran exemption for Beatrice Siegel, Block 388 Lot 14, located at 29 Suffolk Way,

WHEREAS, taxes were billed for the first half of the year 2004 in the amount of \$2,218.59, and

WHEREAS, this exemption became effective January 1st, 2004 and taxes were paid for the first half of 2004, the above-mentioned taxpayer is due a refund of \$2,218.59,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,218.59 to the above-mentioned taxpayer and cancel same.

At 10:10 PM, Councilman Denkensohn moved that the meeting go into executive session for reasons of discussing acquisition of property, contract negotiations, litigation and personnel. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Morelli). Recess was called, and the executive session commenced at 10:20 PM.

RESOLUTION # 2004-182

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 27th day of May, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:15 PM, Councilman Denkensohn moved that the executive session be opened. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Morelli).

At 11:16 PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Morelli).

MINUTES APPROVED: June 24, 2004

OFFERED BY: Denkensohn

AYES: 4

SECONDED BY: Pernice

NAYS: 0

ABSENT: Morelli

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT

